

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12124 of 2024

Arising Out of PS. Case No.-1078 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Ganesh Kumar Paswan S/O Late Awadh Bihari Paswan R/V- Bhabua Ward 25 South Muhalla, P.O. And P.S.- Bhabua, Distt.- Kaimur (Bhabua)
2. Dinesh Mallah Son Of Ram Prasad Mallah R/V- Bhabua Ward 25 South Muhalla, P.O. And P.S.- Bhabua, Distt.- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Bhabua P.S. case No. 1078 of 2023 instituted for the offences under Sections 8(c), 21(a), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 1.21 mg of heroine has been recovered out of which 0.65 mg of heroine has been recovered from the pocket of Dinesh Mallah (petitioner no.2) and 0.56 mg of heroine has been recovered from the pocket of Ganesh Kumar (petitioner no.1).

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case.



Charge-sheet has been submitted in this case. Petitioners are in custody since 27.11.2023 and have no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhabua P.S. case No. 1078 of 2023.

(Rudra Prakash Mishra, J)

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